

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
(610) 863-7288
FAX (610) 863-1011**

EXECUTIVE SESSION

The Council met from 6:30 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Tuesday, February 16th, 2010, was called to order at 7:35 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Council persons: Kerry Gassler, Dave Hess, George Hinton, Joe Weaver, John Maher, and Tony Curcio. Also in attendance were Mayor James M. Shoemaker, and Borough Assistant Administrator Darlene Plank-Turlington.

Council President Scott Parsons informed those present that Council met in Executive Session to discuss personnel matters.

PUBLIC COMMENT

Matthew Kislak, a borough resident, stated that he is concerned that Mr. Armitage is being reinstated as the Chief of Police, especially if the allegations are correct that he threatened another officer. He stated that he personally saw the Chief at the Petro Mart approximately 2 weeks ago, and heard him gloating that he was enjoying his time off. Mr. Kislak wanted to state for the record that he is not happy that the Chief is being reinstated.

COMMITTEE APPOINTMENTS

1. EMS – Kerry Gassler reported 66 Ambulance trips for the month of January. Their budget is down because call volume and trips have been down for the year. The Ambulance Corps is requesting another year of free rent from the Borough due to the low call volume. The Ambulance rental fee is \$244.50 a month. Scott commented that the Borough will need a copy of the audit from the EMS due to some of the funding that we do with them. **On a Motion by George Hinton, and Seconded by Tony Curcio the Borough Council granted the Ambulance Corp's request for an additional year of free rent. Vote 6-0 in favor. Kerry Gassler abstained from the vote.**
2. Fire Company – Dave Hess commented that they have had 6 calls for the month of January which is a total of 6 for the year. Voted in 2 new members in last night. Have Darlene or Louise call the water company about putting snow flags on the hydrants or check prices of flags for the hydrants. The fire company spent 8 man hours Saturday looking for and digging out hydrants. Scott Parsons requested a copy of the fire company's audit report when they get one.
3. Zoning – Tony Curcio reported that no new applications were submitted for the March Zoning Hearing Board Meeting, therefore, there is no meeting in March. The February Zoning Hearing Board meeting resulted in 5 variance approvals and 1 variance denial for the Muschlitz Land Development/Subdivision plan.

4. Planning – Scott Parsons had William Hontz request the last SALDO storm water waiver for the Gassler Subdivision plan. The Planning Commission recommended the waiver because on the proposed building the surface area is too small to require a plan, and the existing building had an on-site inspection performed by the planning members which showed that there is no need to plan for storm water as it is properly managed at this time. **On a motion by George Hinton, and Seconded by Tony Curcio the Borough Council granted the SALDO storm water for the Gassler Subdivision. Vote 6-0. Kerry Gassler abstained.**
5. Municipal Authority – John Maher reported that he attended his first meeting on the 27th of January and introduced himself and stated that he would be attending the future meetings. A tour of the site was offered to him. According to Brian Pysher, Borough Engineer, the Municipal Authority has put a sewer replacement project out to bid which involves replacing several thousand feet of lines.
6. Streets – George Hinton that he was unhappy with the conditions of the streets after the snow storm. He had a meeting with the street dep't workers and told them to stay out until the streets and intersections were cleaned up and free of snow – they are to continue working until it is done.
7. Police – Mayor Shoemaker stated that the Chief completed his training. The other police officers, and the Chief have mandatory training in March.
8. Park – Joe Weaver stated that the Park Board met last Tuesday and conducted their re-organization which remained the same as last year. Cathie Yob remains President, Lewis Paulhamus remains Vice-President, and Janet Mishkin remains Secretary. They passed a motion to have their volunteer day on May 1st, 2010. Due to scheduling conflicts the March meeting will be held Tuesday, March 2nd, 2010.
9. 911 – Tony Curcio stated that there was nothing to report.
10. Buildings and Properties – Tony Curcio stated that the building committee will be going into executive session to discuss building plans and pricing.
11. Tipping Fees – Tony Curcio stated that the Borough received a fourth quarter (the beginning of 2010) tipping fee check for \$40,232.44 which was distributed based on last year's schedule. Tony also stated that the total available funds including the 4th quarter and capital reserve are \$443,594.94.

NEW BUSINESS

A. Brian Pysher discussed the concrete pipe culvert west street bid award. Two culverts (15" pipes) being replaced, the project went out to bid and was advertised on January 27th, 2010, and February 1st, 2010. The Borough received 8 bids which were opened yesterday. Following are the list of bidders and their corresponding numbers: Pinto Concrete Construction at \$23,880.00, NAPA Development at \$31,111.00, Harry DePue, Inc. at \$32,445.00, Pan Companies, Inc. at \$33,920.00, Kobalt Construction, Inc. at \$34,255.00, A. Scott Enterprises, Inc. at \$36,874.50, S & K Construction Co., Inc. at \$42,330.00, and C.G. Ankiewicz at \$54,294.25. Collura Engineering (Brian) recommends the bid be awarded to the low bidder, Pinto Concrete. Time of completion for the project is April 29, 2010. The grant for this project was \$35,000.

On a Motion by Kerry Gassler, and seconded by George Hinton, the Borough Council awarded the Concrete Pipe Culvert bid to Pinto Concrete for \$23,880.00. Vote 7-0 in favor.

B. Scott Parsons mentioned that one of our members on the Civil Service Commission passed away, so we need to appoint a new member. We need to get an updated status regarding the membership of the remaining members. We need to get our vacant position advertised to be filled as soon as possible. According to Ron Karasek, the position should be filled within 30 days.

C. George Hinton mentioned that the lights up at Center Street will cost \$3,008.00 to have them converted to LEDs. **On a Motion by George Hinton, and Seconded by Joe Weaver, Borough Council approved converting the lights on Center Street LEDs at a cost of \$3,008.00. Vote 7-0 in favor.**

OLD BUSINESS

Regarding the suspension of the Chief, and his return to duty a motion was made and carried with the following 5 conditions:

(1) The police chief's suspension is vacated and/or lifted and he is to return to active duty beginning Wednesday, February 17, 2010 at 7:00 a.m., (2) That the work schedule for both the chief and the patrolmen is to be set by the mayor. This is pursuant to the Borough Code – 53 P.S. Section 46121 – and the Borough Ordinance No. 300, Section 3 that both recite:

The police force and department shall be under the charge and control of the mayor who shall direct the time during which, the place where and the manner in which said force or department shall perform their duties.

(3) That the chief shall undergo continuing legal education for the minimum of 15 hours per year in the area of leadership and management. This education shall be in addition to any other mandatory training. Since we are only in February of 2010, the 15 minimum shall apply for the 2010 calendar year. (4) The chief will undergo performance evaluations on a quarterly basis. These evaluations shall be conducted by the Mayor and/or Council with the chief and other individuals who can provide information providing the chief's job performance. (5) The status of the police chief's employment is that of an employee at-will. He is not a member of civil service and does not have civil service protection. The contract entered into by and between the Borough and the chief dated 11/20/07 is not to be seen as a statement of any permanent employment of any type; and, to the extent that the contract lists a term of employment i.e. 1/1/08 to 12/31/10 that provision is considered void. The balance of the contract as to the police chief's benefits of employment including wages, salary, medical insurance, life insurance, sick leave, funeral leave, personal days, vacation time, uniforms and the like shall continue to apply. (The above list is merely illustrative and not exhaustive.)

On a motion by George Hinton, and Seconded by John Maher, the Borough Council approved re-instatement of the police chief with the 5 conditions listed. On a vote 4 in favor (Parsons, Hinton, Curcio and Maher), 2 against (Hess and Weaver), and 1 abstention (Gassler).

On motion by Tony Curcio to adjourn the meeting of February 16, 2010. Council agreed unanimously. The meeting of February 16th, 2010 adjourned at 8:20 p.m.

Darlene Plank-Turlington, Asst. Administrator